
SENATE BILL 6232

State of Washington 57th Legislature

2002 Regular Session

By Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon

Read first time 01/14/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of ammonia; amending RCW 69.55.010,
2 69.55.020, and 69.55.030; reenacting and amending RCW 9.94A.515;
3 prescribing penalties; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 69.55.010 and 2000 c 225 s 1 are each amended to read
6 as follows:

7 (1) A person who, with intent to deprive the owner or owner's
8 agent, wrongfully obtains ((anhydrous)) pressurized ammonia gas, is
9 guilty of theft of ((anhydrous)) ammonia.

10 (2) Theft of ((anhydrous)) ammonia is a class C felony.

11 **Sec. 2.** RCW 69.55.020 and 2000 c 225 s 2 are each amended to read
12 as follows:

13 A person is guilty of the crime of unlawful storage of
14 ((anhydrous)) ammonia if the person possesses ((anhydrous)),
15 transports, or delivers pressurized ammonia gas in a container that (1)
16 is not approved by the United States department of transportation to
17 hold ((anhydrous)) ammonia, or (2) was not constructed to meet state

1 and federal industrial health and safety standards for holding
2 ((anhydrous)) ammonia. Violation of this section is a class C felony.

3 This section does not apply to public employees or private
4 contractors authorized to clean up and dispose of hazardous waste or
5 toxic substances under chapter 70.105 or 70.105D RCW.

6 **Sec. 3.** RCW 69.55.030 and 2000 c 225 s 3 are each amended to read
7 as follows:

8 Any damages arising out of the unlawful possession of, storage of,
9 or tampering with ((anhydrous)) pressurized ammonia gas or
10 ((anhydrous)) pressurized ammonia gas equipment shall be the sole
11 responsibility of the unlawful possessor, storer, or tamperer. In no
12 case shall liability for damages arising out of the unlawful possession
13 of, storage of, or tampering with ((anhydrous)) pressurized ammonia gas
14 or ((anhydrous)) pressurized ammonia gas equipment extend to the lawful
15 owner, installer, maintainer, designer, manufacturer, possessor, or
16 seller of the ((anhydrous)) pressurized ammonia gas or ((anhydrous))
17 pressurized ammonia gas equipment, unless such damages arise out of the
18 owner, installer, maintainer, designer, manufacturer, possessor, or
19 seller's acts or omissions that constitute negligent misconduct to
20 abide by the laws regarding ((anhydrous)) pressurized ammonia gas
21 possession and storage.

22 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
23 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
24 read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27 XVI	Aggravated Murder 1 (RCW 10.95.020)
28 XV	Homicide by abuse (RCW 9A.32.055)
29	Malicious explosion 1 (RCW 70.74.280(1))
30	Murder 1 (RCW 9A.32.030)
31 XIV	Murder 2 (RCW 9A.32.050)
32 XIII	Malicious explosion 2 (RCW 70.74.280(2))
33	Malicious placement of an explosive 1 (RCW
34	70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation device
4 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)

7 XI Manslaughter 1 (RCW 9A.32.060)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)

10 X Child Molestation 1 (RCW 9A.44.083)
11 Indecent Liberties (with forcible
12 compulsion) (RCW 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW 70.74.280(3))
17 Manufacture of methamphetamine (RCW
18 69.50.401(a)(1)(ii))
19 Over 18 and deliver heroin,
20 methamphetamine, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone under 18
23 (RCW 69.50.406)
24 Sexually Violent Predator Escape (RCW
25 9A.76.115)

26 IX Assault of a Child 2 (RCW 9A.36.130)
27 Controlled Substance Homicide (RCW
28 69.50.415)
29 Explosive devices prohibited (RCW
30 70.74.180)
31 Hit and Run--Death (RCW 46.52.020(4)(a))
32 Homicide by Watercraft, by being under the
33 influence of intoxicating liquor or
34 any drug (RCW 79A.60.050)
35 Inciting Criminal Profiteering (RCW
36 9A.82.060(1)(b))
37 Malicious placement of an explosive 2 (RCW
38 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Homicide by Watercraft, by the operation of
16 any vessel in a reckless manner (RCW
17 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Manufacture, deliver, or possess with
20 intent to deliver amphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Manufacture, deliver, or possess with
23 intent to deliver heroin or cocaine
24 (RCW 69.50.401(a)(1)(i))
25 Possession of Ephedrine, Pseudoephedrine,
26 or Anhydrous Ammonia with intent to
27 manufacture methamphetamine (RCW
28 69.50.440)
29 Promoting Prostitution 1 (RCW 9A.88.070)
30 Selling for profit (controlled or
31 counterfeit) any controlled substance
32 (RCW 69.50.410)
33 Theft of ((Anhydrous)) Ammonia (RCW
34 69.55.010)
35 Vehicular Homicide, by the operation of any
36 vehicle in a reckless manner (RCW
37 46.61.520)

38 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)
2 Dealing in depictions of minor engaged in
3 sexually explicit conduct (RCW
4 9.68A.050)
5 Drive-by Shooting (RCW 9A.36.045)
6 Homicide by Watercraft, by disregard for
7 the safety of others (RCW 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1) (b) and
10 (c))
11 Introducing Contraband 1 (RCW 9A.76.140)
12 Involving a minor in drug dealing (RCW
13 69.50.401(f))
14 Malicious placement of an explosive 3 (RCW
15 70.74.270(3))
16 Sending, bringing into state depictions of
17 minor engaged in sexually explicit
18 conduct (RCW 9.68A.060)
19 Unlawful Possession of a Firearm in the
20 first degree (RCW 9.41.040(1)(a))
21 Use of a Machine Gun in Commission of a
22 Felony (RCW 9.41.225)
23 Vehicular Homicide, by disregard for the
24 safety of others (RCW 46.61.520)

25 VI Bail Jumping with Murder 1 (RCW
26 9A.76.170(3)(a))
27 Bribery (RCW 9A.68.010)
28 Incest 1 (RCW 9A.64.020(1))
29 Intimidating a Judge (RCW 9A.72.160)
30 Intimidating a Juror/Witness (RCW
31 9A.72.110, 9A.72.130)
32 Malicious placement of an imitation device
33 2 (RCW 70.74.272(1)(b))
34 Manufacture, deliver, or possess with
35 intent to deliver narcotics from
36 Schedule I or II (except heroin or
37 cocaine) or flunitrazepam from
38 Schedule IV (RCW 69.50.401(a)(1)(i))
39 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)
2 Unlawful Storage of ((Anhydrous)) Ammonia
3 (RCW 69.55.020)

4 V Abandonment of dependent person 1 (RCW
5 9A.42.060)

6 Advancing money or property for
7 extortionate extension of credit (RCW
8 9A.82.030)

9 Bail Jumping with class A Felony (RCW
10 9A.76.170(3)(b))

11 Child Molestation 3 (RCW 9A.44.089)

12 Criminal Mistreatment 1 (RCW 9A.42.020)

13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)

15 Delivery of imitation controlled substance
16 by person eighteen or over to person
17 under eighteen (RCW 69.52.030(2))

18 Domestic Violence Court Order Violation
19 (RCW 10.99.040, 10.99.050, 26.09.300,
20 26.10.220, 26.26.138, 26.50.110,
21 26.52.070, or 74.34.145)

22 Extortion 1 (RCW 9A.56.120)

23 Extortionate Extension of Credit (RCW
24 9A.82.020)

25 Extortionate Means to Collect Extensions of
26 Credit (RCW 9A.82.040)

27 Incest 2 (RCW 9A.64.020(2))

28 Kidnapping 2 (RCW 9A.40.030)

29 Perjury 1 (RCW 9A.72.020)

30 Persistent prison misbehavior (RCW
31 9.94.070)

32 Possession of a Stolen Firearm (RCW
33 9A.56.310)

34 Rape 3 (RCW 9A.44.060)

35 Rendering Criminal Assistance 1 (RCW
36 9A.76.070)

37 Sexual Misconduct with a Minor 1 (RCW
38 9A.44.093)

1 Sexually Violating Human Remains (RCW
2 9A.44.105)
3 Stalking (RCW 9A.46.110)

4 IV Arson 2 (RCW 9A.48.030)
5 Assault 2 (RCW 9A.36.021)
6 Assault by Watercraft (RCW 79A.60.060)
7 Bribing a Witness/Bribe Received by Witness
8 (RCW 9A.72.090, 9A.72.100)
9 Commercial Bribery (RCW 9A.68.060)
10 Counterfeiting (RCW 9.16.035(4))
11 Escape 1 (RCW 9A.76.110)
12 Hit and Run--Injury (RCW 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury Accident
14 (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2)(a))
16 Indecent Exposure to Person Under Age
17 Fourteen (subsequent sex offense) (RCW
18 9A.88.010)
19 Influencing Outcome of Sporting Event (RCW
20 9A.82.070)
21 Knowingly Trafficking in Stolen Property
22 (RCW 9A.82.050(2))
23 Malicious Harassment (RCW 9A.36.080)
24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule III, IV, or V or nonnarcotics
27 from Schedule I-V (except marijuana,
28 amphetamine, methamphetamines, or
29 flunitrazepam) (RCW 69.50.401(a)(1)
30 (iii) through (v))
31 Residential Burglary (RCW 9A.52.025)
32 Robbery 2 (RCW 9A.56.210)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Threats to Bomb (RCW 9.61.160)
35 Use of Proceeds of Criminal Profiteering
36 (RCW 9A.82.080 (1) and (2))
37 Vehicular Assault, by being under the
38 influence of intoxicating liquor or
39 any drug, or by the operation or

1 driving of a vehicle in a reckless
2 manner (RCW 46.61.522)
3 Willful Failure to Return from Furlough
4 (RCW 72.66.060)

5 III Abandonment of dependent person 2 (RCW
6 9A.42.070)
7 Assault 3 (RCW 9A.36.031)
8 Assault of a Child 3 (RCW 9A.36.140)
9 Bail Jumping with class B or C Felony (RCW
10 9A.76.170(3)(c))
11 Burglary 2 (RCW 9A.52.030)
12 Communication with a Minor for Immoral
13 Purposes (RCW 9.68A.090)
14 Criminal Gang Intimidation (RCW 9A.46.120)
15 Criminal Mistreatment 2 (RCW 9A.42.030)
16 Custodial Assault (RCW 9A.36.100)
17 Delivery of a material in lieu of a
18 controlled substance (RCW
19 69.50.401(c))
20 Escape 2 (RCW 9A.76.120)
21 Extortion 2 (RCW 9A.56.130)
22 Harassment (RCW 9A.46.020)
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Introducing Contraband 2 (RCW 9A.76.150)
26 Maintaining a Dwelling or Place for
27 Controlled Substances (RCW
28 69.50.402(a)(6))
29 Malicious Injury to Railroad Property (RCW
30 81.60.070)
31 Manufacture, deliver, or possess with
32 intent to deliver marijuana (RCW
33 69.50.401(a)(1)(iii))
34 Manufacture, distribute, or possess with
35 intent to distribute an imitation
36 controlled substance (RCW
37 69.52.030(1))
38 Patronizing a Juvenile Prostitute (RCW
39 9.68A.100)

1 Perjury 2 (RCW 9A.72.030)
2 Possession of Incendiary Device (RCW
3 9.40.120)
4 Possession of Machine Gun or Short-Barreled
5 Shotgun or Rifle (RCW 9.41.190)
6 Promoting Prostitution 2 (RCW 9A.88.080)
7 Recklessly Trafficking in Stolen Property
8 (RCW 9A.82.050(1))
9 Securities Act violation (RCW 21.20.400)
10 Tampering with a Witness (RCW 9A.72.120)
11 Telephone Harassment (subsequent conviction
12 or threat of death) (RCW 9.61.230)
13 Theft of Livestock 2 (RCW 9A.56.080)
14 Unlawful Imprisonment (RCW 9A.40.040)
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(1)(b))
17 Unlawful Use of Building for Drug Purposes
18 (RCW 69.53.010)
19 Vehicular Assault, by the operation or
20 driving of a vehicle with disregard
21 for the safety of others (RCW
22 46.61.522)
23 Willful Failure to Return from Work Release
24 (RCW 72.65.070)
25 II Computer Trespass 1 (RCW 9A.52.110)
26 Counterfeiting (RCW 9.16.035(3))
27 Create, deliver, or possess a counterfeit
28 controlled substance (RCW
29 69.50.401(b))
30 Escape from Community Custody (RCW
31 72.09.310)
32 Health Care False Claims (RCW 48.80.030)
33 Identity Theft 2 (RCW 9.35.020(2)(b))
34 Improperly Obtaining Financial Information
35 (RCW 9.35.010)
36 Malicious Mischief 1 (RCW 9A.48.070)
37 Possession of controlled substance that is
38 either heroin or narcotics from

1 Schedule I or II or flunitrazepam from
2 Schedule IV (RCW 69.50.401(d))
3 Possession of phencyclidine (PCP) (RCW
4 69.50.401(d))
5 Possession of Stolen Property 1 (RCW
6 9A.56.150)
7 Theft 1 (RCW 9A.56.030)
8 Theft of Rental, Leased, or Lease-purchased
9 Property (valued at one thousand five
10 hundred dollars or more) (RCW
11 9A.56.096(4))
12 Trafficking in Insurance Claims (RCW
13 48.30A.015)
14 Unlawful Practice of Law (RCW 2.48.180)
15 Unlicensed Practice of a Profession or
16 Business (RCW 18.130.190(7))

17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forged Prescription (RCW 69.41.020)
22 Forged Prescription for a Controlled
23 Substance (RCW 69.50.403)
24 Forgery (RCW 9A.60.020)
25 Malicious Mischief 2 (RCW 9A.48.080)
26 Possess Controlled Substance that is a
27 Narcotic from Schedule III, IV, or V
28 or Non-narcotic from Schedule I-V
29 (except phencyclidine or
30 flunitrazepam) (RCW 69.50.401(d))
31 Possession of Stolen Property 2 (RCW
32 9A.56.160)
33 Reckless Burning 1 (RCW 9A.48.040)
34 Taking Motor Vehicle Without Permission
35 (RCW 9A.56.070)
36 Theft 2 (RCW 9A.56.040)
37 Theft of Rental, Leased, or Lease-purchased
38 Property (valued at two hundred fifty
39 dollars or more but less than one

1 thousand five hundred dollars) (RCW
2 9A.56.096(4))
3 Unlawful Issuance of Checks or Drafts (RCW
4 9A.56.060)
5 Unlawful Use of Food Stamps (RCW 9.91.140
6 (2) and (3))
7 Vehicle Prowl 1 (RCW 9A.52.095)

8 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately.

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